Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of:	)	
Amendment of Parts 73 and 74 to further implement the Local Community Radio Act of 2010 and make other improvements to the Low Power Radio Service	)	RM-11810

To: Marlene Dortch, Secretary
Federal Communications Commission
Attention: Media Bureau

Comments of Jeff Sibert

The following comments are filed by myself, Jeff Sibert, in support of the Petition for Rulemaking RM-11810 filed by REC Networks (*REC*). I am the president Park Public Radio, Inc which operates Low Power FM (*LPFM)* station KPPS-LP. I have also served a consulting engineer to a number of LPFM and non-commercial educational FM broadcast stations for more than 13 years.

I am largely in support of this Petition for Rulemaking (*Petition)* because urgent changes are required to enable numerous LPFM stations to continue to serve their audiences. I do, however, believe that the changes REC advocates in its Petition do not go far enough to provide the substantial relief that many LPFM operator need. Without substantial changes to the rules, a number of LPFM stations will be unable to continue to operate. Specific comments on the petition are addressed below.

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1. The overly restrictive spacing rules in 73.807 threaten the survivability of many stations

The LPFM service is unique amongst all other broadcast services in that it both uses a strict spacing table to determine lack of interference to other stations and also requires the use of non-directional antennas. The spacing table is overly restrictive in that it imposes a 20 km buffer towards all full power stations and it is impossible for LPFM stations to move closer than the specified distance towards any other station.

Every other service uses contour protection (translators and non-commercial educational stations) or a combination of spacing and contour protection (non-reserved stations) to show lack of interference. New stations are authorized and other stations change their parameters on a regular basis, yet these stations are still able to make facility improvements provided contours do not overlap. This can be accomplished through the use of a directional antenna or other means as long as the contours do not overlap.

Unfortunately this strict spacing table specified in the LPFM service drastically limits the location an LPFM station may operate from. As new full power and translator stations are authorized, or changes are made by existing stations, the LPFM station has no ability to react. Interference concerns from new or modified stations may especially necessitate the need for the LPFM station to relocate, yet with the rules presently in place there are few options for many operators.

REC puts forward a very elegant proposal to allow LPFM stations to utilize a smaller minimum spacing table (to meet the congressionally mandated Local Community Radio Act requirements) while allowing the use of contour protection and directional antennas to protect other stations. This will allow LPFM stations to be able to change locations in the same manner as FM translators and full power stations are allowed to today, especially if they are experiencing interference due to the presence of a short-spaced station. Where possible, the Commission should allow the maximum level of flexibility for LPFM operators to site their antennas and protect other facilities.

2. The AM revitalization windows harmed LPFM stations on a grand scale and LPFM stations have few options available to resolve interference

The AM revitalization windows saw hundreds of new FM translator stations which created new short-spacings to existing LPFM stations. While FM translators could specify contour protection to place their signals very close to LPFM stations, LPFM stations are unable to react. Some of these proposals created massive short-spacings as AM operators sough to get any scrap of spectrum available. Within my home market (Minneapolis-St. Paul) almost every LPFM station has become short-spaced by an FM translator filed during the AM revitalization windows.

The station I manage (KPPS-LP) experienced this first-hand as FM translator station W248CU created massive amounts of interference within our 60 dBu contour. Unfortunately because KPPS-LP became short-spaced, the opportunities available to escape the interference were very limited. If KPPS-LP had been a translator station it could have simply specified a directional antenna and moved anywhere that did not result in contour overlap.

Another translator station, K235BP, has a construction permit just 11.7 km from a co-channel LPFM station WFNU-LP. K235BP would operate from a skyscraper 253 meters above ground level. From this height it would have line of sight to the entire WFNU-LP service area. The amount of power and directionality required to prevent interference (on paper) would result in a station that has virtually no usable coverage but would wreck havoc to WFNU. I assisted WFNU at the time to object to the translator, and initially the FCC agreed, but unfortunately the FCC would not listen after the FM translator was modified slightly to remove some of the objecting listeners from its 60 dBu contour. Sadly the station will probable lose most of its usable coverage area and become no longer viable, especially since the station is already struggling due to its small service area and requirement to maintain a full studio (a requirement which has been abolished for all other classes of stations). WFNU-LP has no other channel that it could move to, and has few options left.

K235BP makes no sense considering it would rebroadcast a 50,000 watt class A AM station. After much consideration the only possible option I can see for K235BP to exist is they are hoping to buy out WFNU-LP, or WFNU-LP to fail, so they may upgrade the station to 250 watts non-directional from their 252 meter site. If they can create interference to WFNU-LP, they can hasten WFNU-LP's demise. The public interest would then suffer as a local voice is lost to the community.

A third station, WVIC-LP, became short-spaced to W256DT. WVIC-LP had planned to relocate closer to the center of St. Paul (its city of license) but was unable to do so even though there would be no contour overlap. Other LPFM stations in the market that became short-spaced by W256DT included KPJT-LP and KRSM-LP.

Almost every station in the market is now short-spaced and has extremely limited options to move if it needs to. Should a relocation be required many of these operators will find few options and may be forced to cease broadcasting. Commercial translator operators are counting on this fact and are ready with their co-channel translator stations to expand their coverage, resulting in the loss of LPFM stations. This is in direct conflict with the Local Community Radio Act which requires the Commission to make frequencies available for LPFM use. Allowing stations greater flexibility to relocate and use directional antennas will help prevent the immense loss of service that LPFM operators will see if no action is taken.

The proposals within the REC petition would give LPFM stations the flexibility they need to propose directional antennas use LP10 spacing tables. However, the Commission should also consider waiving the 73.807 spacing tables towards any FM translator stations on the same or first-adjacent frequency if the FM translator station became short-spaced to the LPFM station. The LPFM would be allowed to utilize contour protection at any distance from the FM translator station. The Local Community Radio Act does not require the Commission to prescribe contour spacing towards translators, nor does it require the Commission to specify a spacing table for stations that later become

short spaced. The Act specifies just full power and low power stations in their initial authorization.

3. A power increase will help put LPFM stations more on par with FM translators

I am in support of allowing LPFM stations to upgrade to 250 watts so their authorized power levels are on par with FM translator stations. This 4 dB increase will provide much relief to LPFM stations that are experiencing interference. However I also do not feel the proposal goes far enough.

The REC proposal is for 250 watts at 30 meters. However, many FM translator stations are operating well above these parameters. Here in Minneapolis-St Paul market, a large number of the FM translators are operating either 99 or 250 watts with heights of approximately 250 meters above average terrain[1]. Several more operate at heights exceeding 100 meters[2]. All of these operate as fill-in translators which are not required to adhere to height limitations.

Almost every FM translator in the Minneapolis-St Paul market operates as a fill-in translator rebroadcasting either an AM station or an HD2 / HD multicast stream. It is a rare sight to find a translator that is not a fill-in translator, simply because there are so many operating advantages to being a fill-in translator, such as the waived height restrictions and signal delivery options. FM translator operators have benefited substantially by being classified as fill-in translators.

LPFM operators likewise should be allowed increased height so they can better cover their intended areas. A 4 dB increase is hardly noticeable when compared to FM translators who have coverage areas rivaling (and sometimes exceeding) those of class A FM stations.

It makes sense to harmonize the allowable coverage areas of the two services since the Local Community Radio Act prescribes both services as being equal in status. If the Commission is going to allow unlimited height for a large swath of translator stations, it should do the same for LPFM stations to truly survive. Otherwise the stations can never be on equal footing.

1 K214DF, W225AP (pending application), K227BF, W235CT, K244FE, K249ED, K260BA, K273BH, and K278BP
2 W221BS, K239CJ, W248CU, W256DT, and W264BR

Even if unlimited height is not in the Commission's plans, LPFM should be at least allowed to operate at 100 meters HAAT if interference will not be caused. This puts LPFM on a similar foothold as non-fillin FM translator stations operating west of the Mississippi. I would be supportive of any reasonable policies which would further hamonize FM translator and LPFM stations by allowing both to operate 250 watts at 100 meters HAAT using the part 73 HAAT rules[3].

If the Commission is not willing to allow LPFM stations to increase power, especially to power and height combinations that FM translators commonly operate from, then the Commission should carefully consider whether it is in the public interest to allow fill-in FM translator stations unlimited height. Perhaps the Commission should also consider whether rebroadcasting HD multicast streams remains an efficient use of spectrum, particularly when some broadcasting groups use it as a method to create new stations that are not subject to ownership restrictions. Putting restrictions on the use of fill-in translators will create more opportunities for LPFM operators in furtherance of its localism priorities.

4. Intermediate frequency

The use of Intermediate Frequency (IF) spacing makes little sense in the modern age. Perhaps receivers made in the 1970's suffered from this phenomenon, but modern receivers are easily able to distinguish between stations operating 10.7 MHz apart. Many receivers are digital in that they do not use IF stages at all. Translators operating at 99 watts have not caused widespread IF interference problems, and 100 to 250 watt LPFM and translator stations will not cause problems either.

While I support efforts to harmonize the rules, it is time the Commission either dropped the IF rules altogether for LPFM and translator stations operating up to 250 watts, or allows stations to utilize

3 FM translators that are not fill-in translator determine their height using 12 radials spaced 30 degrees apart. Maximum power is based on the highest of the 12 radials. All other stations use 8 radials spaced 45 degrees part which are then averaged.

contour protection based on the 91 dBu contours of both stations.

5. Channel 6

The Channel six spacing rules for LPFM stations operating on channels 201 through 220 unnecessarily overprotect stations on channel 6. I agree with REC that LPFM stations should be allowed additional flexibility to use 74.1205 (or 73.525) towards channel 6 TV stations. It should be noted that neither 74.1205 or 73.525 was updated for digital television and remaining analog channel 6 stations will soon be forced to convert to digital. The Commission should either update 74.1205 and 73.525 or remove the requirement for any FM station to protect channel 6 stations.

6. Minor Moves beyond 5.6 km

LPFM stations have overly restrictive minor change rules compared to all other services. LPFM stations are limited to moves of 5.6 km or less, whereas FM translator and full power stations are only required to show some overlap of the 60 dBu contours. If LPFM was similarly licensed minor moves of at least 11.2 km would be available. I support REC's proposal to harmonize the LPFM and translator minor change rules to allow moves to any location that have overlap of the 60 dBu contour of the applied for facility and the licensed facility.

7. Construction permit length

LPFM construction permits are presently only 18 months, whereas all other services have 36 month permits. Although there is a procedure to extend the permit, many operators were not aware an extension would be available, and the extension process wastes resources of both the Commission and the LPFM applicant. There is no logical reason to require LPFM operators to meet more stringent construction deadlines when many LPFM operators have fewer resources than other services. I am

fully in support of REC's proposal to harmonize the construction permit length amongst all FM services.

8. FM translator feed and distance limitations

LPFM stations are allowed two FM translator stations, but they are required to have 60 dBu contour overlap towards the parent LPFM station and be fed over the air. REC proposes to remove this restriction since there are adequate safeguards already in place to prevent abuse. I agree with REC's decision.

As congestion in the FM band has increased additional flexibility is necessary to ensure those LPFM stations that operate FM translators be able to site and feed those translators. In some cases the only frequency available for an FM translator is on the same frequency or an adjacent frequency to the LPFM station. This would make citing the translator so that the 60 dBu contours overlap impossible to do. Furthermore it is not possible to feed an FM translator operating on the same frequency or first adjacent frequency over the air.

Instead the Commission can simply enforce it's limitation on distance under 73.860(b)(4) to ensure that the translator is located near the LPFM station. As noted by REC, this rule is all that is required to ensure that translator stations serve communities nearby the LPFM station. Making these two changes will ensure that LPFM stations have the flexibility to operate translator stations.

9. FM Boosters

A few LPFM stations have received FM booster stations in order to fill-in areas that have substantial terrain shielding. These have been authorized on a waiver basis. REC proposes to codify in the rules a process for LPFM stations to operate boosters. The stations that have utilized boosters have been able to finally serve areas within their 60 dBu contour that they were not able to do before with

with very little negatives. A process for obtaining FM boosters should be codified in the rules.

10. Other necessary changes

As part of a comprehensive look into the part 73 and part 74 rules between LPFM stations and FM translator stations the Commission should also consider a few additional change that will help LPFM operators survive. Some of these comments I submitted as part of the Review of Media Regulations in MB Docket 17-105. I hope the Commission will give serious consideration of these proposals and incorporate them into a future Notice of Proposed Rulemaking.

A. **Eliminate EAS requirements for LPFM stations**: The cost and burden associated with EAS compliance for LPFM stations is significant. The public is not going to listen to an LPFM station for severe weather alerts, terrorist threats, national emergencies, or any other reason that EAS would be used. Almost all cell phones already have EAS built-in and they are carried by almost every American. People also receive news and information from a variety of sources and generally count on full power radio and television stations to deliver more timely news. I know I personally would not be trusting a 100 watt neighborhood LPFM station to provide national emergency news, and expecting these stations to expend money on a national alert service when they should be focusing on hyperlocal issues does not make lot of sense. Additionally EAS has never been activated for a presidential emergency and may never be. The truth is, the cold war is over, and EAS has little functionality in FM broadcasting anymore, even less so for LPFM stations. Translator stations aren't required to do EAS for much the same reason. Elimination of this rule will allow LPFM stations the flexibility to participate or not participate as they see fit, and expend their time and money on issues that are more important, without sacrificing the public's ability to be informed.

B. Allow negotiated interference contracts for co-channel and first adjacent channel interference: Where the Local Community Radio Act allows, LPFM Operators should be allowed to seek the consent of any station that is affected by interference on co-channel or first adjacent channels. This includes interference received or interference caused to/from the other station. This will be particularly useful in mountainous and terrain challenged areas where stations could be spaced much closer without any concerns.

C. Allow translator and LPFM stations to upgrade to full power: Translator and LPFM stations should be able to upgrade to class A on their presently authorized channel (regardless of their being on a reserved or non-reserved channel) if they produce at least eight hours of locally produced programming per day and maintain a main studio presence for at least four years. This will provide added public interest benefit and protect many of these stations from having to cease programming because full power station encroachment. All ownership regulations applicable to full power stations would be in effect.

This would require waiving second and third adjacent channel restrictions in most cases, as well as removing restrictions on incoming interference. However, the Commission could consider adding a new class of full power station (Class A1) that have power levels on par with an FM translator and would not be subject to second adjacent, third adjacent, or IF restrictions.

D. Open up filing windows to replace any LPFM station that ceases broadcasting

Occasionally an LPFM must turn in its licenese or fails to broadcast for twelve consecutive months. In these cases the license is returned and made available for other applicants. However, the spectrum the LPFM occupied is almost guaranteed to go to a co-channel or adjacent translator operator. As identified earlier in this comment, there are a number of translators locally that are co-channel or

first-adjacent to LPFM stations who are ready to snatch up the spectrum should the LPFM fail. In these cases, future LPFM operations will forever be foreclosed in these areas.

A better idea would be to open up a filing window for any eligible entity to apply for an LPFM that serves substantially the same area as the failed LPFM station. This would be similar to the allocation scheme used for non-reserved full power stations to ensure that licenses are equitably distributed to as many communities as possible.

Conclusion

LPFM operators are struggling and need urgent regulatory relief from the Commission. The petition as filed by REC Networks will go a long ways to ease this burden and make give LPFM stations a more equal footing to FM Translator stations. Additional changes as outlined in these comments will also provide additional relief that will help numerous LPFM stations.

Respectfully submitted,

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